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REQUEST FOR FILING A CONTINUING PATENT APPLICATION UNDER 37 CFR § 1.53(b)(1)

22386 U.S.PTO
10/677669
100103

Case No.	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
10466/ <u>485</u>	CLASS	SUBCLASS	Elizabeth Kemmerer	1646

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b)(1), of pending prior application number 09/944,396, filed on August 30, 2001, entitled SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME.

- ☒ Copy Of the Prior application, including 34 sheets of drawings, 152 pages of Application
- ☒ Copy of the Declaration filed in the Prior application.
- ☐ PTO Form 1449 and Information Disclosure Statement.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	20 - 20 =	0	x \$ 18 =	\$
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 - 3 =	0	x \$ 84 =	\$
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$280 =	\$ 0
				BASIC FEE (37 CFR 1.16(a))	\$ 770
				Total of above Calculations =	\$
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)				\$
				TOTAL =	\$770.00

- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27
☐ is enclosed.
☐ was filed in prior application number _____ and such status is still proper and desired (37 CFR 1.28(a)).
- ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ Enclosed is a check for \$ 770.00 to cover the filing fees.
- ☒ Cancel in this application original claims 1-21 of the prior application and otherwise enter the attached preliminary amendment before calculating the filing fee.
- ☒ The inventor(s) of the invention being claimed in this application is(are): Kevin P. Baker, David Botstein, Dan L. Eaton, Napoleone Ferrara, Ellen Filvaroff, Mary E. Gerritsen, Audrey Goddard, Paul J. Godowski, J. Christopher Grimaldi, Austin I. Gurney, Kenneth J. Hillan, Ivar J. Kljavin, Mary A. Napier, Margaret Ann Roy, Daniel Tumas, William I. Wood.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: _____.

10. ☒ Amend the specification by inserting before the first line the sentence: "This application is a ☒ continuation ☐ division of application number 09/944,396, filed This application is a continuation of, and claims priority under 35 USC Section 120 to, US Application 09/866,028 filed 5/25/2001, which is a continuation of, and claims priority under 35 USC Section 120 to, PCT Application PCT/US99/28301 filed 12/1/1999, which claims priority under 35 USC Section 119 to US Provisional Application 60/113,296 filed 12/22/1998, where PCT/US99/28301 is a continuation-in-part of, and claims priority under 35 USC Section 120 to, US Application 09/254,311 filed 3/3/1999, now abandoned, which is the National Stage filed under 35 USC Section 371 of PCT Application PCT/US98/25108 filed 12/1/1998, which claims priority under 35 USC Section 119 to US Provisional Application 60/069,873 filed 12/17/1997."
11. ☐ New formal drawings are enclosed.
12. ☐ Priority of foreign application number _____, filed on _____ respectively in _____ is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application number _____, filed
13. ☒ A preliminary amendment is enclosed.
14. ☒ The prior application is assigned of record to GENENTECH, INC.
15. ☒ Also enclosed: Request To Use Computer Readable Form Of Sequence Listing From Parent Application Pursuant to 37 C.F.R. Section 1.821(e); and Copy of Sequence Listing (72) pages.
16. ☒ The power of attorney in the prior application is to: K. Shannon Mrksich, Reg. No. 36,675 and other attorneys at the firm of BRINKS HOFER GILSON & LIONE.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to: (may only be completed by applicant, or attorney or agent of record.)

10-1-03
Date

K. Shannon Mrksich
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
(312)321-4200

S. Mrksich
Signature
Name: K. Shannon Mrksich
Reg. No. 36,675

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under 37 CFR 1.34(a)
- Registration Number if acting under 37 CFR 1.34(a): _____.